



General Assembly

January Session, 2009

Raised Bill No. 865

LCO No. 2847

02847_____HSG

Referred to Committee on Housing

Introduced by:
(HSG)

AN ACT CONCERNING THE LONG-RANGE STATE HOUSING PLAN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 8-2 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (a) The zoning commission of each city, town or borough is
5 authorized to regulate, within the limits of such municipality, the
6 height, number of stories and size of buildings and other structures;
7 the percentage of the area of the lot that may be occupied; the size of
8 yards, courts and other open spaces; the density of population and the
9 location and use of buildings, structures and land for trade, industry,
10 residence or other purposes, including water-dependent uses as
11 defined in section 22a-93, and the height, size and location of
12 advertising signs and billboards. Such bulk regulations may allow for
13 cluster development as defined in section 8-18. Such zoning
14 commission may divide the municipality into districts of such number,
15 shape and area as may be best suited to carry out the purposes of this
16 chapter; and, within such districts, it may regulate the erection,

17 construction, reconstruction, alteration or use of buildings or
18 structures and the use of land. All such regulations shall be uniform
19 for each class or kind of buildings, structures or use of land throughout
20 each district, but the regulations in one district may differ from those
21 in another district, and may provide that certain classes or kinds of
22 buildings, structures or uses of land are permitted only after obtaining
23 a special permit or special exception from a zoning commission,
24 planning commission, combined planning and zoning commission or
25 zoning board of appeals, whichever commission or board the
26 regulations may, notwithstanding any special act to the contrary,
27 designate, subject to standards set forth in the regulations and to
28 conditions necessary to protect the public health, safety, convenience
29 and property values. Such regulations shall be made in accordance
30 with a comprehensive plan and in adopting such regulations the
31 commission shall consider the plan of conservation and development
32 prepared under section 8-23. Such regulations shall be designed to
33 lessen congestion in the streets; to secure safety from fire, panic, flood
34 and other dangers; to promote health and the general welfare; to
35 provide adequate light and air; to prevent the overcrowding of land; to
36 avoid undue concentration of population and to facilitate the adequate
37 provision for transportation, water, sewerage, schools, parks and other
38 public requirements. Such regulations shall be made with reasonable
39 consideration as to the character of the district and its peculiar
40 suitability for particular uses and with a view to conserving the value
41 of buildings and encouraging the most appropriate use of land
42 throughout such municipality. Such regulations may, to the extent
43 consistent with soil types, terrain, infrastructure capacity and the plan
44 of conservation and development for the community, provide for
45 cluster development, as defined in section 8-18, in residential zones.
46 Such regulations shall also encourage the development of housing
47 opportunities, including opportunities for multifamily dwellings,
48 consistent with soil types, terrain and infrastructure capacity, for all
49 residents of the municipality and the planning region in which the
50 municipality is located, as designated by the Secretary of the Office of

51 Policy and Management under section 16a-4a. Such regulations shall
52 also promote housing choice and economic diversity in housing,
53 including housing for both low and moderate income households, and
54 shall encourage the development of housing which will meet the
55 housing needs identified in the [housing plan prepared pursuant to
56 section 8-37t and in the] housing component and the other components
57 of the state plan of conservation and development prepared pursuant
58 to section 16a-26. Zoning regulations shall be made with reasonable
59 consideration for their impact on agriculture. Zoning regulations may
60 be made with reasonable consideration for the protection of historic
61 factors and shall be made with reasonable consideration for the
62 protection of existing and potential public surface and ground
63 drinking water supplies. On and after July 1, 1985, the regulations shall
64 provide that proper provision be made for soil erosion and sediment
65 control pursuant to section 22a-329. Such regulations may also
66 encourage energy-efficient patterns of development, the use of solar
67 and other renewable forms of energy, and energy conservation. The
68 regulations may also provide for incentives for developers who use
69 passive solar energy techniques, as defined in subsection (b) of section
70 8-25, in planning a residential subdivision development. The
71 incentives may include, but not be limited to, cluster development,
72 higher density development and performance standards for roads,
73 sidewalks and underground facilities in the subdivision. Such
74 regulations may provide for a municipal system for the creation of
75 development rights and the permanent transfer of such development
76 rights, which may include a system for the variance of density limits in
77 connection with any such transfer. Such regulations may also provide
78 for notice requirements in addition to those required by this chapter.
79 Such regulations may provide for conditions on operations to collect
80 spring water or well water, as defined in section 21a-150, including the
81 time, place and manner of such operations. No such regulations shall
82 prohibit the operation of any family day care home or group day care
83 home in a residential zone. Such regulations shall not impose
84 conditions and requirements on manufactured homes having as their

85 narrowest dimension twenty-two feet or more and built in accordance
86 with federal manufactured home construction and safety standards or
87 on lots containing such manufactured homes which are substantially
88 different from conditions and requirements imposed on single-family
89 dwellings and lots containing single-family dwellings. Such
90 regulations shall not impose conditions and requirements on
91 developments to be occupied by manufactured homes having as their
92 narrowest dimension twenty-two feet or more and built in accordance
93 with federal manufactured home construction and safety standards
94 which are substantially different from conditions and requirements
95 imposed on multifamily dwellings, lots containing multifamily
96 dwellings, cluster developments or planned unit developments. Such
97 regulations shall not prohibit the continuance of any nonconforming
98 use, building or structure existing at the time of the adoption of such
99 regulations. Such regulations shall not provide for the termination of
100 any nonconforming use solely as a result of nonuse for a specified
101 period of time without regard to the intent of the property owner to
102 maintain that use. Any city, town or borough which adopts the
103 provisions of this chapter may, by vote of its legislative body, exempt
104 municipal property from the regulations prescribed by the zoning
105 commission of such city, town or borough; but unless it is so voted
106 municipal property shall be subject to such regulations.

107 Sec. 2. Subsection (d) of section 8-23 of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective*
109 *October 1, 2009*):

110 (d) (1) Such plan of conservation and development shall (A) be a
111 statement of policies, goals and standards for the physical and
112 economic development of the municipality, (B) provide for a system of
113 principal thoroughfares, parkways, bridges, streets, sidewalks,
114 multipurpose trails and other public ways as appropriate, (C) be
115 designed to promote, with the greatest efficiency and economy, the
116 coordinated development of the municipality and the general welfare
117 and prosperity of its people and identify areas where it is feasible and

118 prudent (i) to have compact, transit accessible, pedestrian-oriented
119 mixed use development patterns and land reuse, and (ii) to promote
120 such development patterns and land reuse, (D) recommend the most
121 desirable use of land within the municipality for residential,
122 recreational, commercial, industrial, conservation and other purposes
123 and include a map showing such proposed land uses, (E) recommend
124 the most desirable density of population in the several parts of the
125 municipality, (F) note any inconsistencies with the following growth
126 management principles: (i) Redevelopment and revitalization of
127 commercial centers and areas of mixed land uses with existing or
128 planned physical infrastructure; (ii) expansion of housing
129 opportunities and design choices to accommodate a variety of
130 household types and needs; (iii) concentration of development around
131 transportation nodes and along major transportation corridors to
132 support the viability of transportation options and land reuse; (iv)
133 conservation and restoration of the natural environment, cultural and
134 historical resources and existing farmlands; (v) protection of
135 environmental assets critical to public health and safety; and (vi)
136 integration of planning across all levels of government to address
137 issues on a local, regional and state-wide basis, (G) make provision for
138 the development of housing opportunities, including opportunities for
139 multifamily dwellings, consistent with soil types, terrain and
140 infrastructure capacity, for all residents of the municipality and the
141 planning region in which the municipality is located, as designated by
142 the Secretary of the Office of Policy and Management under section
143 16a-4a, (H) promote housing choice and economic diversity in
144 housing, including housing for both low and moderate income
145 households, and encourage the development of housing which will
146 meet the housing needs identified in the [housing plan prepared
147 pursuant to section 8-37t and in the] housing component and the other
148 components of the state plan of conservation and development
149 prepared pursuant to chapter 297. In preparing such plan the
150 commission shall consider focusing development and revitalization in
151 areas with existing or planned physical infrastructure.

152 (2) For any municipality that is contiguous to Long Island Sound,
153 such plan shall be (A) consistent with the municipal coastal program
154 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
155 reasonable consideration for restoration and protection of the
156 ecosystem and habitat of Long Island Sound, and (C) designed to
157 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
158 Long Island Sound.

159 Sec. 3. Subsection (e) of section 8-23 of the general statutes, as
160 amended by section 3 of public act 07-239, section 4 of public act 07-5
161 of the June special session, section 17 of public act 08-182 and section 2
162 of this act, is repealed and the following is substituted in lieu thereof
163 (*Effective October 1, 2010*):

164 (e) (1) Such plan of conservation and development shall (A) be a
165 statement of policies, goals and standards for the physical and
166 economic development of the municipality, (B) provide for a system of
167 principal thoroughfares, parkways, bridges, streets, sidewalks,
168 multipurpose trails and other public ways as appropriate, (C) be
169 designed to promote, with the greatest efficiency and economy, the
170 coordinated development of the municipality and the general welfare
171 and prosperity of its people and identify areas where it is feasible and
172 prudent (i) to have compact, transit accessible, pedestrian-oriented
173 mixed use development patterns and land reuse, and (ii) to promote
174 such development patterns and land reuse, (D) recommend the most
175 desirable use of land within the municipality for residential,
176 recreational, commercial, industrial, conservation and other purposes
177 and include a map showing such proposed land uses, (E) recommend
178 the most desirable density of population in the several parts of the
179 municipality, (F) note any inconsistencies with the following growth
180 management principles: (i) Redevelopment and revitalization of
181 commercial centers and areas of mixed land uses with existing or
182 planned physical infrastructure; (ii) expansion of housing
183 opportunities and design choices to accommodate a variety of
184 household types and needs; (iii) concentration of development around

185 transportation nodes and along major transportation corridors to
186 support the viability of transportation options and land reuse; (iv)
187 conservation and restoration of the natural environment, cultural and
188 historical resources and existing farmlands; (v) protection of
189 environmental assets critical to public health and safety; and (vi)
190 integration of planning across all levels of government to address
191 issues on a local, regional and state-wide basis, (G) make provision for
192 the development of housing opportunities, including opportunities for
193 multifamily dwellings, consistent with soil types, terrain and
194 infrastructure capacity, for all residents of the municipality and the
195 planning region in which the municipality is located, as designated by
196 the Secretary of the Office of Policy and Management under section
197 16a-4a, (H) promote housing choice and economic diversity in
198 housing, including housing for both low and moderate income
199 households, and encourage the development of housing which will
200 meet the housing needs identified in the [housing plan prepared
201 pursuant to section 8-37t and in the] housing component and the other
202 components of the state plan of conservation and development
203 prepared pursuant to chapter 297. In preparing such plan the
204 commission shall consider focusing development and revitalization in
205 areas with existing or planned physical infrastructure.

206 (2) For any municipality that is contiguous to Long Island Sound,
207 such plan shall be (A) consistent with the municipal coastal program
208 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
209 reasonable consideration for restoration and protection of the
210 ecosystem and habitat of Long Island Sound, and (C) designed to
211 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
212 Long Island Sound.

213 Sec. 4. Subsection (c) of section 8-37u of the general statutes is
214 repealed and the following is substituted in lieu thereof (*Effective*
215 *October 1, 2009*):

216 (c) In order to facilitate such coordination, the Connecticut Housing

217 Finance Authority shall submit annually to the Commissioner of
218 Economic and Community Development a projected twelve-month
219 operating plan. [Said plan shall be prepared in a manner so as to be
220 consistent with the five-year plan referred to in section 8-37t as such
221 plan is then in effect.] Said plan shall include such matters as the
222 authority determines are necessary and shall include, but not be
223 limited to, production targets under each multifamily program of the
224 authority, including targets for rental housing production for both
225 elderly and nonelderly families; [in a proportion consistent with
226 housing needs estimated pursuant to section 8-37t;] proposed new and
227 expanded programs; proposed outreach activities to help serve areas
228 of the state or segments of the population whose housing needs have
229 been particularly underserved, and estimated level of subsidy needed
230 to support the proposed level of production. The first such plan shall
231 be submitted to the Commissioner of Economic and Community
232 Development prior to January 1, 1981, and subsequent plans on each
233 twelve-month anniversary thereof.

234 Sec. 5. Subsection (d) of section 8-206 of the general statutes is
235 repealed and the following is substituted in lieu thereof (*Effective*
236 *October 1, 2009*):

237 (d) The Commissioner of Economic and Community Development
238 is authorized to do all things necessary to apply for, qualify for and
239 accept any federal funds made available or allotted under any federal
240 act for any activities which may be pertinent to the purposes of this
241 chapter and chapters 128, 129, 130, 135 and 136 and said commissioner
242 shall administer any such funds allotted to the department in
243 accordance with federal law. The commissioner may enter into
244 contracts with the federal government concerning the use and
245 repayment of such funds under any such federal act, the prosecution
246 of the work under any such contract and the establishment of and
247 disbursement from a separate account in which federal and state funds
248 estimated to be required for plan preparation or other eligible activities
249 under such federal act shall be kept. Said account shall not be a part of

250 the General Fund of the state or any subdivision of the state. Unless
251 otherwise required by federal law or regulation, any federal housing
252 assistance funding made available at the state level shall be allocated
253 [in accordance with the housing plan prepared pursuant to the
254 provisions of section 8-37t. Such allocation shall,] to the maximum
255 extent possible, to reflect the types and distribution of housing needs
256 in all parts of the state and the resources required by the department,
257 the Connecticut Housing Finance Authority or other appropriate
258 agencies to meet those needs.

259 Sec. 6. Subsection (c) of section 22a-1b of the general statutes is
260 repealed and the following is substituted in lieu thereof (*Effective*
261 *October 1, 2009*):

262 (c) Each state department, institution or agency responsible for the
263 primary recommendation or initiation of actions which may
264 significantly affect the environment shall in the case of each such
265 proposed action make a detailed written evaluation of its
266 environmental impact before deciding whether to undertake or
267 approve such action. All such environmental impact evaluations shall
268 be detailed statements setting forth the following: (1) A description of
269 the proposed action which shall include, but not be limited to, a
270 description of the purpose and need of the proposed action, and, in the
271 case of a proposed facility, a description of the infrastructure needs of
272 such facility, including, but not limited to, parking, water supply,
273 wastewater treatment and the square footage of the facility; (2) the
274 environmental consequences of the proposed action, including
275 cumulative, direct and indirect effects which might result during and
276 subsequent to the proposed action; (3) any adverse environmental
277 effects which cannot be avoided and irreversible and irretrievable
278 commitments of resources should the proposal be implemented; (4)
279 alternatives to the proposed action, including the alternative of not
280 proceeding with the proposed action and, in the case of a proposed
281 facility, a list of all the sites controlled by or reasonably available to the
282 sponsoring agency that would meet the stated purpose of such facility;

283 (5) an evaluation of the proposed action's consistency and each
 284 alternative's consistency with the state plan of conservation and
 285 development, an evaluation of each alternative including, to the extent
 286 practicable, whether it avoids, minimizes or mitigates environmental
 287 impacts, and, where appropriate, a description of detailed mitigation
 288 measures proposed to minimize environmental impacts, including, but
 289 not limited to, where appropriate, a site plan; (6) an analysis of the
 290 short term and long term economic, social and environmental costs
 291 and benefits of the proposed action; (7) the effect of the proposed
 292 action on the use and conservation of energy resources; and (8) a
 293 description of the effects of the proposed action on sacred sites or
 294 archaeological sites of state or national importance. In the case of an
 295 action which affects existing housing, the evaluation shall also contain
 296 a detailed statement analyzing [(A)] housing consequences of the
 297 proposed action, including direct and indirect effects which might
 298 result during and subsequent to the proposed action by income group
 299 as defined in section 8-37aa and by race, [and (B) the consistency of
 300 the housing consequences with the long-range state housing plan
 301 adopted under section 8-37t.] As used in this section, "sacred sites" and
 302 "archaeological sites" shall have the same meaning as in section 10-381.

303 Sec. 7. Section 25-231 of the general statutes is repealed and the
 304 following is substituted in lieu thereof (*Effective October 1, 2009*):

305 As used in sections 25-230 to 25-238, inclusive:

306 (1) "Approved river corridor management plan" means a river
 307 corridor management plan approved by the commissioner pursuant to
 308 section 25-235;

309 (2) "Commissioner" means the Commissioner of Environmental
 310 Protection or his agent;

311 (3) "Local drainage basin" means a local drainage basin as
 312 referenced on a map entitled "Natural Drainage Basins of Connecticut",
 313 published by the Department of Environmental Protection, 1981;

314 (4) "Major state plan" means any of the following: The master
315 transportation plan adopted pursuant to section 13b-15, the plan for
316 development of outdoor recreation adopted pursuant to section 22a-21,
317 the solid waste management plan adopted pursuant to section 22a-211,
318 the state-wide plan for the management of water resources adopted
319 pursuant to section 22a-352, the state-wide environmental plan
320 adopted pursuant to section 22a-8, the historic preservation plan
321 adopted under the National Historic Preservation Act, 16 USC 470 et
322 seq., the state-wide facility and capital plan adopted pursuant to
323 section 4b-23, [the long-range state housing plan adopted pursuant to
324 section 8-37t,] the water quality management plan adopted under the
325 federal Clean Water Act, 33 USC 1251 et seq., any plans for managing
326 forest resources adopted pursuant to section 23-20 and the Connecticut
327 River Atlantic Salmon Compact adopted pursuant to section 26-302;

328 (5) "Member municipality" means a municipality which is a member
329 of a river commission established pursuant to section 25-232;

330 (6) "Person" means person, as defined in section 22a-2;

331 (7) "River advisory board" means any of the following: The Five
332 Mile River Commission established pursuant to section 15-26a, the
333 Connecticut River Gateway Commission established pursuant to
334 section 25-102e, the Connecticut River Assembly established pursuant
335 to section 25-102dd, the Bi-State Pawcatuck River Commission
336 established pursuant to section 25-161, the Niantic River Gateway
337 Commission established pursuant to section 25-109e, the Housatonic
338 Estuary Commission established pursuant to section 25-170, the
339 Farmington River Coordinating Committee established pursuant to the
340 National Wild and Scenic Rivers Act, 16 USC 1274 et seq., the Shepaug-
341 Bantam River Board established pursuant to sections 25-102pp and 25-
342 102qq or a river committee established pursuant to section 25-203;

343 (8) "River corridor" means any river, river segment or river system,
344 together with its floodplains, wetlands and uplands, contributing
345 overland runoff to such river, river segment or river system;

346 (9) "River commission" means a river commission established
347 pursuant to section 25-232;

348 (10) "River system" means a river, its tributaries and any lands
349 draining into such river or its tributaries;

350 (11) "Secretary" means the Secretary of the Office of Policy and
351 Management or his agent;

352 (12) "State rivers assessment database" means the state-wide
353 assessment of the state's rivers prepared by the commissioner pursuant
354 to subdivision (3) of subsection (d) of section 25-102qq;

355 (13) "State plan for conservation and development" means the state
356 plan for conservation and development prepared pursuant to part I of
357 chapter 297;

358 (14) "Subregional drainage basin" means a subregional drainage
359 basin as referenced on a map entitled "Natural Drainage Basins of
360 Connecticut", published by the Department of Environmental
361 Protection, 1981;

362 (15) "Water-dependent use" means a use which, by its nature or
363 function, requires direct access to, or location in or immediately
364 adjacent to, water and which therefore cannot be located upland, and
365 includes such recreational uses as riverside trails and bicycle paths;

366 (16) "Use" means agriculture, public and private water supply,
367 power generation, waste assimilation, transportation, recreation,
368 including, but not limited to, boating, swimming, fishing, camping and
369 hiking and residential, commercial, industrial and other water-
370 dependent uses; and

371 (17) "Resource" means any riparian waters of the state, related
372 fisheries and wildlife habitat and adjacent shorelands, both developed
373 and undeveloped; any vegetation, fish and wildlife; endangered and
374 threatened species, species of special concern and essential habitat

375 identified by the commissioner pursuant to chapter 495; tidal and
376 inland wetlands; unique geologic features; scenic areas; forest lands, as
377 defined in section 23-65f; agricultural lands, as defined in section 22-
378 26bb; and archaeological and other historical resources.

379 Sec. 8. Subsection (b) of section 32-1o of the general statutes is
380 repealed and the following is substituted in lieu thereof (*Effective*
381 *October 1, 2009*):

382 (b) In developing the plan, the Commissioner of Economic and
383 Community Development shall:

384 (1) Ensure that the plan is consistent with (A) the text and locational
385 guide map of the state plan of conservation and development, adopted
386 pursuant to chapter 297, and (B) [the long-range state housing plan,
387 adopted pursuant to section 8-37t, and (C)] the transportation strategy
388 adopted pursuant to section 13b-57g;

389 (2) Consult regional councils of governments, regional planning
390 organizations, regional economic development agencies, interested
391 state and local officials, entities involved in economic and community
392 development, stakeholders and business, economic, labor, community
393 and housing organizations;

394 (3) Consider (A) regional economic, community and housing
395 development plans, and (B) applicable state and local workforce
396 investment strategies;

397 (4) Assess and evaluate the economic development challenges and
398 opportunities of the state and against the economic development
399 competitiveness of other states and regions; and

400 (5) Host regional forums to provide for public involvement in the
401 planning process.

402 Sec. 9. Section 8-37t of the general statutes is repealed. (*Effective*
403 *October 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	8-2(a)
Sec. 2	<i>October 1, 2009</i>	8-23(d)
Sec. 3	<i>October 1, 2010</i>	8-23(e)
Sec. 4	<i>October 1, 2009</i>	8-37u(c)
Sec. 5	<i>October 1, 2009</i>	8-206(d)
Sec. 6	<i>October 1, 2009</i>	22a-1b(c)
Sec. 7	<i>October 1, 2009</i>	25-231
Sec. 8	<i>October 1, 2009</i>	32-1o(b)
Sec. 9	<i>October 1, 2009</i>	Repealer section

Statement of Purpose:

To repeal the provision requiring the Department of Economic and Community Development adopt a long-range state housing plan.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]